



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

November 30, 2018

GENERAL NOTICE LETTER/104(e) INFORMATION REQUEST

URGENT LEGAL MATTER, PROMPT REPLY NECESSARY

CERTIFIED MAIL: RETURN RECEIPT REQUESTED – 7004 1160 003 0345 6192

Wingfoot Commercial Tire Systems, LLC
1134 South Navigation Boulevard
Corpus Christi, Texas 78405

Re: General Notice Letter and Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. § 9604(e), Information Request for the Brine Service Company Site in Corpus Christi, Nueces County, Texas

Dear Sir/Madam:

The purpose of this letter is to notify you of your potential liability at the Brine Service Company Superfund Site (Site) located in Corpus Christi, Nueces County, Texas. This letter also seeks your cooperation in providing information and documents relating to the contamination of the Site. Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, U.S. Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available, EPA has determined that you may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

Site Background

The Site is located approximately 6.5 miles west of downtown Corpus Christi along the north side of IH-37 and east-northeast of the intersection at Goldston Road. Corpus Christi is situated along the southern Gulf Coast of Texas. The Site is in the Nueces-Rio Grande Basin and lies approximately 25 feet above sea level. The geodetic coordinates of the Site are 27°48'55.34" north latitude and 97°30'30.98" west longitude.

The Site is comprised of former waste disposal pits (north and south pits) located on property formerly owned and operated by Brine Service Company. A portion of the pit area reportedly received oil field wastes, such as drilling fluids, and/or refinery wastes from as early as 1946 through the 1960s. The Site was discovered in November 1997 when a trench was being excavated through a portion of the former

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Brine Service Company Site (06JY)

Brine Service Company property to install interconnecting pipelines between two nearby refineries. The Texas Natural Resource Conservation Commission (TNRCC) (predecessor agency to the Texas Commission on Environmental Quality (TCEQ)) documented that the bottom and sides of the trench were visibly stained and the ground water seeping into the excavation had a hydrocarbon sheen. Samples of the excavated soil had benzene concentrations as high as 79 milligrams per kilogram (mg/kg). Subsequent sampling of the pit area revealed the presence of metals, including barium, cadmium, chromium, lead, and mercury as well as several organic compounds.

Surface water drainage from the Site enters a drainage ditch located along the east side of the property (the East Ditch). The East Ditch travels north approximately ½ mile and empties into a wetland area known as Tule Lake. Tule Lake is a brackish shallow-water wetland area and is a Texas Parks and Wildlife sanctuary containing gulls, pelicans and other aquatic birds. Tule Lake is a habitat for several state-listed threatened species and is hydrologically connected to Corpus Christi Bay. Corpus Christi Bay is an estuarine subtidal area and has been nominated into the National Estuary Bay Program. The bay is used for recreational and commercial fishing.

Explanation of Potential Liability

Under CERCLA, specifically sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site as well as persons who arranged for treatment and/or disposal of any hazardous substance found at a site, and persons who accepted hazardous substances for transport and selected a site to which hazardous substances were delivered.

Based on the information collected, EPA believes that you may be liable under section 107(a) of CERCLA with respect to the Brine Service Company Superfund Site, as a current or previous owner and/or operator of the Site. Specifically, Wingfoot Commercial Tire Systems, LLC (Wingfoot) or an affiliated entity, owns and/or operates a parcel on the Site and may have contributed to the contamination of the Site through the release or disposal of metals, including lead. *See* CD in Enclosure 1- Evidence of Potential Liability.

Site response actions and Site costs may include, but are not limited to, expenditures for conducting a remedial investigation/feasibility study (RI/FS), conducting a remedial design/remedial action, and other investigation, planning, response oversight, and enforcement activities. In addition, PRPs may be required to pay for damages for injury to, destruction of or loss of natural resources, including the cost of assessing such damages.

To date, EPA and the State of Texas have taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- EPA conducted a site inspection in September 2001.

- EPA placed the Site on the National Priorities List on September 5, 2002.
- A group of six PRPs signed an administrative order on consent on October 21, 2009, which required the group to perform an RI/FS. The RI/FS is ongoing.

Financial Concerns/Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within that category, please contact Stephen Capuyan at

United States Environmental Protection Agency Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
(214) 665-2163
capuyan.stephen@epa.gov

for information on ability-to-pay settlements. In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business [and personal] federal income tax returns. If EPA concludes that you have a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy. EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

Information to Assist You

EPA would like to encourage communication between you, other PRPs, and EPA at the Site. To assist you in your efforts to communicate, please find the attached list of names and addresses of the PRPs who are conducting an RI/FS at the Site. In addition, EPA will establish an administrative record that contains documents that serve as the basis for EPA's selection of a cleanup action for the Site. The administrative record will be located at an information repository at or near the location of the response action and will be available to you and the public for inspection and comment. The administrative record also will be available for inspection and comment at the Superfund Records Center, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small

Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

<http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf>

and review EPA guidance regarding these exemptions at:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund>

EPA has created several helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at <https://www.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman>. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter and available on the Agency's website at <http://www.epa.gov/compliance/small-business-resources-information-sheet>.

Response to Information Request

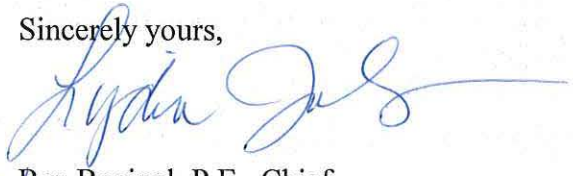
Pursuant to the authority of CERCLA Section 104(e), you are hereby requested to respond to the enclosed information request (Enclosure 2). Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Stephen Capuyan, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Please give these matters your immediate attention and consider consulting with an attorney. If you or your attorney have any legal questions, please contact Leonard Schilling, Regional Counsel at (214) 665-7166. If you have any other questions regarding this letter, please contact Stephen Capuyan, Enforcement Officer at (214) 665-2163. Thank you for your prompt attention to this matter.

Also included in this letter to assist you are the Small Business Resource Fact Sheet as Enclosure 3 and the PRPs conducting the RI/FS as Enclosure 4.

Sincerely yours,


for Ben Banipal, P.E., Chief
Technical and Enforcement Branch
Superfund Division

Enclosures:

1. Evidence of Potential Liability (CD)
2. Information Request
3. Small Business Resource Fact Sheet
4. PRPs Conducting RI/FS

ENCLOSURE 1

BRINE SERVICE COMPANY SITE EVIDENCE OF POTENTIAL LIABILITY

See documents included in attached CD:

1. Final Remedial Investigation Report (SEMS 100010925)

Pgs. 57-58	Adjacent Land Use Summary
Pgs. 98-99	Surface and Subsurface Soils Summary
Pgs. 104-106	North Pit Soil Samples Summary
Pg. 108	Soil Investigations Summary
Pg. 234	Summary of North Pit Ecological Soil Data
Pg. 294	Parcel Map
Pg. 330	Lead Concentrations in Soil
Pg. 332	Selenium Concentrations in Soil
Pg. 1083	Photo Log

2. Brine-Wingfoot Tire Store Photolog

ENCLOSURE 2

BRINE SERVICE COMPANY SITE INFORMATION REQUEST

Under the authority of Section 104(e) of Superfund, EPA is requesting you to respond to the questions below and to provide any relevant information related to this Site. Relevant information may include information concerning the type and quantity of substances transported to or treated, stored, or disposed of at the Site and releases of hazardous substances at or from the Site.

If you have information about other parties who may have information which may assist the EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

(A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at vessel or facility or transported to a vessel or facility; and,

(B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and

(C) information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Failure to respond fully and truthfully to the Information Request within thirty (30) calendar days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended within. This statute permits EPA to seek the imposition of penalties of up to \$54,789 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Please be aware that your response may include information that you consider confidential business information. If you make a claim of confidentiality on any of the information you submit to EPA, you must prove that claim for each document.

Instructions on how to respond to the Questions are described below. Please send your response to this Information Request to Ms. Stephen Capuyan at the address in the letter.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.

INSTRUCTIONS

1. Please provide a separate narrative response for each Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 C.F.R. Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.
7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
9. The term "Site" or "facility" shall mean and include the Brine Service Company Site in Corpus Christi, Texas.
10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

1. Please provide Respondent's current legal name, Respondent's previous legal name(s), previous fictitious name(s), current phone number, and current fax number.
2. Does the Respondent wish to designate an individual for future correspondence from the U.S. Environmental Protection Agency that associates the Respondent to this Site? If yes, please provide the individual's name, address, telephone number, and fax number.
3. Please identify Wingfoot's corporate parent and all its corporate subsidiaries.
4. Identify the current owner and/or operator of the Site. State the dates during which the current owner and/or operator owned, operated or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
5. If you are the current owner and/or current operator, did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all the facts on which you base the answer to the preceding question.
6. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all the facts on which you base the answer to the preceding question.
7. Identify all prior owners of the Site. For each prior owner, further identify:
 - a. The dates of ownership;
 - b. All evidence showing that they controlled access to the Site; and
 - c. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.
8. Identify all prior operators of the Site, including lessors, of the Site, for each such operator, further identify:
 - a. The dates of operation;
 - b. The nature of prior operations at the Site;
 - c. All evidence that they controlled access to the Site; and
 - d. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

9. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
10. Identify all federal, state and local authorities that regulated and/or interacted with Wingfoot with respect to the Site. Your response should include all interactions and contacts from agencies/departments that pertained to health and safety issues and environmental concerns.
11. Describe all occurrences associated with violations, citations, deficiencies and/or accidents concerning the Site since Wingfoot acquired or began operating at the Site. Provide copies of all documents associated with such an occurrence.
12. Provide all local, state and federal environmental permits ever granted for the Site or any part thereof (e.g., RCRA permits, NPDES permits, etc.).
13. Did Wingfoot ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA) for activities at the Site? If so, provide a copy of such notification.
14. Did Wingfoot ever have "interim status" under RCRA for activities at the Site? If so, and if Wingfoot does not currently have interim status, describe the circumstances under which Wingfoot lost interim status.
15. Provide information about the Site, including but not limited to the following:
 - a. Property boundaries, including a written legal description;
 - b. Location of underground pipelines;
 - c. Location of underground utilities (telephone, electrical, sewer, water main, etc.);
 - d. Surface structures (e.g., buildings, tanks, etc.);
 - e. Groundwater wells, including drilling logs;
 - f. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
 - g. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site; and
 - h. All maps and drawings of the Site in your possession
16. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

17. Describe the acts or omissions of any persons other than your employees, agents or those persons with whom you had a contractual relationship, that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons. In addition:
 - a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties [including, but not limited to insert names if known, e.g., of prior owners, etc.] and the consequences that could foreseeably result from such acts or omissions.
 - b. Describe the care you exercised with respect to the hazardous substances found at the Site.
18. Identify all past and present solid waste management units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site. For each such solid waste management unit, provide the following information:
 - a. A map showing the unit's boundaries and the location of all known solid waste management units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
 - b. The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
 - c. The dates that the unit was in use;
 - d. The purpose and past usage (e.g., storage, spill containment, etc.);
 - e. The quantity and types of materials (hazardous substances and any other chemicals) located in each unit, and;
 - f. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.
 - g. If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.
19. Describe the conditions of the Site during the years Wingfoot operated at the Site. Your response should include, but not be limited to, the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (improper handling of chemicals, incomplete/absent policies, quality of supervision) and management of the Site.
20. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site? In addition, identify:
 - a. When such releases occurred;
 - b. How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated).
 - c. The amount of each hazardous substances, pollutants, or contaminants so released;
 - d. Where such releases occurred;

- e. All activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
 - f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
 - g. All persons with information relating to these releases.
21. Has any contaminated soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:
- a. Amount of soil excavated;
 - b. Location of excavation;
 - c. Manner and place of disposal and/or storage of excavated soil;
 - d. Dates of soil excavation;
 - e. Identity of persons who excavated or removed the soil;
 - f. Reason for soil excavation;
 - g. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;
 - h. All analyses or tests and results of analyses of the soil that was removed from the Site;
 - i. All persons, including contractors, with information about (a) through (h) of this request.
22. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the Site? If so, identify:
- a. What the nature and scope of these investigations will be;
 - b. The contractors or other persons that will undertake these investigations;
 - c. The purpose of the investigations;
 - d. The dates when such investigations will take place and be completed; and
 - e. Where on the Site such investigations will take place.
23. Describe the waste generation history of the Site, including all controlled and uncontrolled releases of compounds, reactants, products, waste, and any other substance. In your response list all releases by compound, the amount of release and the circumstances surrounding said release.
24. Describe the waste handling and disposal history of the Site, for all facilities and all operations, including but not limited to transportation, shipping and/or receiving, storage, manufacturing, research, quality control, waste containment, and waste disposal facilities since Wingfoot acquired or began operating at the Site. This description is to include the names, addresses and activities of waste disposal contractors, and copies of all supporting documents (manifests, invoices, contracts, etc.).
25. Describe all instances where the Wingfoot accepted waste from any company or person, or where Wingfoot accepted substances which could be considered hazardous and not useful in their present form. Your response should include the following:

- a. description of the waste sent to the Site;
- b. the types and quantity of the waste sent to the Site;
- c. the name of the person or company who transported the waste to the Site;
- d. the name of the person or company who sent the waste to the Site;
- e. the names of the person or company who originated the waste sent to the Site;
- f. the date(s) such wastes were sent to the Site;
- g. the state (i.e., liquid, solid, or gaseous) of the wastes sent to the Site, and the manner in which the wastes were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
- h. a description of what the Site would do with the waste once received;
- i. the reason which led you to believe that the waste received was indeed waste when received by the Site Operator.
- j. the names of all customers who would receive a finished product which was composed of any waste described in this question.

26. Describe all instances where the Site accepted substances which could be considered off-spec. "Off-spec" is intended to mean a substance that in its current form is not useful for its intended purpose. Off-spec materials are often experimental products and/or substances which did not live up to expectations; or product and/or substances which did not meet the level of quality required for its intended purpose, i.e. a contaminated batch of solvents. Your response is to include the following:

- a. a description of the substances sent to the Site;
- b. the types and quantity of the substances sent to the Site;
- c. the name of the person or company who transported the substances to the Site;
- d. the name of the person or company who sent the substances to the Site;
- e. the names of the person or company who originated the waste sent to the Site,
- f. the date(s) such substances were sent to the Site;
- g. the state (i.e., liquid, solid, or gaseous) of the substances sent to the Site, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
- h. a description of what the Site Operator would do with the substances once received;
- i. the reason which led you to believe that the substances received were off-spec in the form received by the Site.
- j. the names of all customers who would receive a finished product which was composed of any substances described in this question.

27. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. the document retention policy.
- b. a description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction.
- c. a description of the type of information that would have been contained in the documents.

- d. the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents.
- e. the names and most current address of any person(s) who may possess documents relevant to this inquiry.

ENCLOSURE 3

**BRINE SERVICE COMPANY SITE
INFORMATION REQUEST**

SMALL BUSINESS RESOURCES FACT SHEET



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

ENCLOSURE 4

**BRINE SERVICE COMPANY SITE
INFORMATION REQUEST**

PRPs CONDUCTING RI/FS

Anadarko E&P Company LP
1201 Lake Robbins Drive,
The Woodlands, Texas 77380

ConocoPhillips Company
600 N. Dairy Ashford
Houston, Texas 77079

EL Paso Merchant Energy-Petroleum
Company (Kinder Morgan)
1001 Louisiana Street, Suite 1000
Houston, Texas 77002

Hess Corporation
601 Jack Stephan Way
West Trenton, New Jersey 08628

Sunoco, Inc. (R&M) (Evergreen Resources Management Operations)
2 Righter Parkway, Suite 200
Wilmington, Delaware 19803

Texaco, Inc. (Chevron)
1400 Smith Street, #33133
Houston, Texas 77002